

REMARKS

In the Office Action of June 22, 2004, claims 1-6, 8-16, 19, 20, 22, 24, 25 and 27-31 were rejected under 35 USC §102(b) as being anticipated by the Japanese Patent No. 6-63026 (hereinafter Japanese '026 patent). Claims 32, 33, 42, 43, 44, 46 and 47 were rejected under 35 USC §102(b) as being anticipated by the Evans U.S. Patent No. 5,161,539. Claims 18, 21 and 26 were rejected under §103(a) as being unpatentable over the Japanese '026 patent. Claims 34-39 were rejected under §103(a) as being unpatentable over the Evans '539 patent in view of the Elghazzawi U.S. Patent No. 5,819,007.

In the Office Action, the Examiner indicated that claims 7, 17, 23, 40, 41, 45 and 48 were objected to as being dependent upon a rejected base claim but were deemed allowable if rewritten in dependent form including all the limitations of the base claim and any intermediate claims. The applicant hereby appreciates and acknowledges such finding by the Examiner.

By the present amendment, claim 17 has been rewritten into independent form to include the subject matter of independent claim 1 as well as intermediate claims 3, 4 and 5. Claim 17 is thus believed to be in condition for allowance.

Independent claim 19 has been rewritten to incorporate the subject matter of allowable claim 23. Thus, independent claim 19 is believed to be in condition for allowance.

Claims 20-21 and 24-31 depend directly or indirectly from allowable independent claim 19 and are thus also believed to be in condition for allowance.

By the present amendment, independent claim 32 has been amended to include the allowable subject matter of claim 40. Based upon this amendment, claim 32 is believed to be in condition for allowance.

Claims 33-39 and 41-48 depend directly or indirectly from amended claim 32 and are also thus believed to be in condition for allowance.

§102(b) Rejection based upon Japanese '026 Patent

In the Office Action, independent claims 1 and 10 were rejected under 35 USC §102(b) based upon the Japanese '026 patent. In rejecting the independent claims 1 and 10, the Examiner stated that the Japanese patent taught the construction of a virtual image using a large number of polygons, as the Examiner indicated by reference to Figures 3 and 7 of the Japanese '026 patent.

By the present amendment, independent claims 1 and 10 have been amended to indicate that the method includes the step of constructing a three-dimensional virtual image of a surface area of the exterior of the patient and dividing the representative surface area into M polygonal areas. The creation of the three-dimensional virtual image is of a surface area of the patient different from the organ of interest.

In the Japanese '026 patent cited by the Examiner, the reference, although written entirely in Japanese, teaches using multisections M taken through an organ of interest, such as the heart. Each of these multisections is through the actual organ of interest and can be analyzed, as shown in Figure 7 of the Japanese '026 patent.

The Japanese '026 patent, however, does not teach or suggest, nor render obvious, the step of determining a surface area of the exterior of the patient and constructing a three-dimensional virtual image of the surface area of the patient, where the surface area of the patient is different from the organ of interest, as required by amended independent claims 1 and 9. Further, the Japanese '026 reference does not teach or suggest dividing the representative exterior surface area of the patient into M polygon areas and assigning a visual characteristic to each polygonal area based upon a value assigned to that area.

Based on the above identified differences between amended independent claim 1 and 10 and the subject matter of the Japanese '026 reference, independent claims 1 and 10 are believed to be in condition for allowance.

Claims 2-9, 11-13, 15-16 and 18 depend directly or indirectly from amended independent claim 1 and are thus believed to be in condition for allowance.

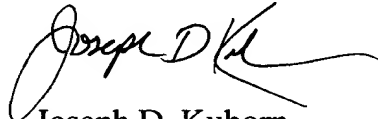
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Conclusion

Based upon the claim amendments and the Examiner's previous finding of allowability, claims 1-13, 15-21, 24-39 and 41-48 are believed to be in condition for allowance. The Examiner is invited to contact the applicant's undersigned attorney for any questions or comments, or to otherwise facilitate prosecution of the present application.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Joseph D. Kuborn", with a stylized flourish extending from the end.

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